IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 15368 of 2004

Between:

Mohammed Imran Ali, S/o. Mohammed Imdad Ali
R/o. 8-2-247/A, Panjagutta Hyderabad.

..... PETITIONER

AND

1 The Commissioner of Police, Hyderabad City, Hyderabad.
2 The Inspector of Police, Panjagutta P.S., Hyderabad.
3 Sri Basheer Ahmed S/o. Not known
R/o. 8-3-318/6/12, Ali Nagar, Yousufguda, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Habeas Corpus directing the respondents herein to produce the wife of the petitioner i.e Asra Fatima D/o. Basheer Ahmed from the custody of the 3rd respondent herein and release her from unlawful and unjustified detention against her will.

Counsel for the Petitioner:MR.N.GANESWARA RAO

Counsel for the Respondent Nos.1 and 2: The Advocate General

Counsel for the Respondent No.3: None appeared.

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Even as per the averments made in the petition, alleged detenu Asra Fathima, daughter of third respondent, has lodged a complaint against the petitioner with Panjagutta Police Station, in which connection, the police are frequently paying visit to the petitioner's house. According to the petitioner, the marriage took place on 6th August, 2004 and thereafter they lived in Delhi and stayed there for three days and returned to Hyderabad on 11-8-2004. Though the petitioner states that on 11th August, 2004 they came back to Hyderabad, the petition is silent as regards how and in what manner his alleged wife left his house.

We are not satisfied in this case that there is any unlawful detention by respondent No.3 of his daughter, more particularly in view of the complaint alleged to have been lodged by the daughter of the third respondent against the petitioner.

In case petitioner feels aggrieved, he can take out appropriate proceedings before the Family Court. Filing of habeas corpus petition is misconceived.

Petition dismissed.

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DEVINDER GUPTA, CJ

27-8-2004

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C.V.RAMULU, J

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To

1 The Commissioner of Police, Hyderabad City, Hyderabad.
2 The Inspector of Police, Panjagutta P.S., Hyderabad.

3. 2 CCs to the Advocate General, High Court of Andhra Pradesh,Hyderabad (OUT).

4. 2 CD copies.